

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MAYOR RANDALL L. WOODFIN,	}	
In his official and individual capacities, et al.,	}	
	}	
Plaintiffs,	}	CASE NO.:
vs.	}	2:25-cv-00352-ECM
	}	
GOVERNOR KAY IVEY, et al.,	}	
	}	
Defendants.	}	<u>UNOPPOSED</u>

PLAINTIFFS' UNOPPOSED MOTION FOR BRIEF CONTINUANCE

COMES NOW, the Honorable Mayor Randall L. Woodfin, officially as Mayor of the City of Birmingham, and individually as a citizen and ratepayer for water services provided by the Birmingham Water Works Board; Clinton P. Woods, officially as a Birmingham City Council member, and individually as a citizen and ratepayer for water services provided by the Birmingham Water Works Board; Hunter Williams, officially as a Birmingham City Council member; Valerie A. Abbott, officially as a Birmingham City Council member and individually as a citizen and ratepayer for water services provided by the Birmingham Water Works Board; Jonathan T. Moore, officially as a Birmingham City Council member, and individually as a citizen and ratepayer for water services provided by the Birmingham Water Works Board; Darrell O'Quinn, officially as a Birmingham City

Council member, and individually as a citizen and ratepayer for water services provided by the Birmingham Water Works Board; Crystal Smitherman, officially as a Birmingham City Council member; Wardine T. Alexander, officially as a Birmingham City Council member; Carol E. Clarke officially as a Birmingham City Council member, and individually as a citizen and ratepayer for water services provided by the Birmingham Water Works Board; LaTonya Tate, officially as a Birmingham City Council member, and individually as a citizen and ratepayer for water services provided by the Birmingham Water Works Board; and the City of Birmingham, a municipal corporation (referenced hereafter collectively as the “City Plaintiffs”), by and through their attorneys of record, and hereby file this motion for brief continuance. In support of their motion, the City Plaintiffs state the following:

1. On or about May 6, 2025, the City Plaintiffs filed a motion for emergency temporary restraining order, preliminary injunction, and declaratory relief. (Doc. 2).

2. This Honorable Court set a hearing on the City Plaintiffs’ motion for May 15, 2025, at 9 a.m. (Doc. 5).

3. Since the entry of this Honorable Court’s order, the City Plaintiffs have learned that several appointments were made under the alleged authority provided in Act 2025-297 (“SB330”).

4. The City Plaintiffs discovered that the Jefferson County Commission President appointed Phillip Wiedmeyer to the state-created board (“the Board”); that Lieutenant Governor Ainsworth appointed Bill Morris to the Board; that the Shelby County Commission appointed Jeffery Brumlow to the Board; that Blount County appointed David Standridge to the Board; and that Governor Ivey appointed Thomas C. Hudson, Jr., to the Board.

5. On or about May 13, 2025, without abrogating their contests to the constitutionality of SB330 and under extreme duress, Mayor Woodfin and the Birmingham City Council made appointments to the Board. Mayor Woodfin appointed Jarvis Patton. The Birmingham City Council appointed Shelia Tyson.

6. Because of these recent appointments, the City Plaintiffs find it necessary to amend their complaint to add, among other persons and/or entities, Phillip Wiedmeyer, Bill Morris, Jeffery Brumlow, Davis Standridge, and Thomas Hudson, Jr., to this litigation as defendants. The City Plaintiffs will not have sufficient time to perfect service before tomorrow’s hearing. The City Plaintiffs will also amend the substance of their complaint.

7. The amendment of the complaint and the inclusion of the above-listed defendants will serve the interests of judicial economy, efficiency, and will ensure a comprehensive resolution of this action.

8. Thus, in order to amend the complaint and properly serve the additional defendants, the City Plaintiffs seek a brief continuance of the May 15th hearing.

9. Counsel for the City Plaintiffs has conferred with counsel for the Defendant. Governor Ivey does not oppose a continuance of the hearing on the Plaintiffs' motion for a TRO or preliminary injunction, and she agrees that a continuance is required to give any newly-added defendants an opportunity to respond. However, Governor Ivey has not yet seen the amended complaint and does not know how much time the new defendants will need to respond to plaintiffs' motion, and she therefore takes no position on how much of a continuance is needed.

10. **WHEREFORE, PREMISES CONSIDERED**, the City Plaintiffs respectfully ask this Honorable Court to grant a brief continuance of the May 15th hearing. Further, the City Plaintiffs' request that this Honorable Court award any other relief it deems appropriate.

Respectfully Submitted,

/s/ Nicole E. King

Nicole E. King
City Attorney

/s/ Joseph R. Abrams

Joseph R. Abrams
Chief Assistant City Attorney

/s/ Samantha A. Chandler

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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of May, 2025, I electronically filed the foregoing with the Clerk of Court using the Court's CM/ECF filing system, and served a copy of said pleading by personal service and/or by placing in the U.S. Mail, postage prepaid, affixed and addressed to:

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